

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DOMENICO CALCATERRA, M.D., RESPONDENT

FILE No. 02-11-077

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board) and Domenico Calcaterra, M.D., (Respondent), and on April 19, 2014, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this Settlement Agreement to resolve the pending charges in this matter.

1. Respondent was issued Iowa medical license no. 38062 on September 16, 2008.
2. Respondent's Iowa medical license is active and will next expire on September 1, 2014.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.
4. Respondent is an Iowa-licensed physician who formerly practiced cardiothoracic surgery in Iowa City, Iowa, and currently practices in Indianapolis, Indiana.

5. **STATEMENT OF CHARGES:** On March 8, 2013, the Board filed a Statement of Charges against Respondent alleging that he engaged in a pattern of disruptive behavior in violation of the laws and rules governing the practice of medicine. On December 20, 2013, the board filed an Amended Statement of Charges.

6. **RESPONDENT'S ANSWER:** Respondent filed an Answer with the Board denying the allegations made by the Board. Respondent denies any wrongdoing but voluntarily agrees to enter into this settlement agreement to resolve the pending charges.

7. **NO FURTHER COMPLAINTS:** The Board has not received any further complaints regarding Respondent's behavior since the alleged incident in the operating room at UIHC in November 2010. Subsequently, the Board received information which indicates that Respondent was cooperative and voluntarily participated in individual counseling, and there have been no subsequent reports to the Board of any concern regarding Respondent's professional care or conduct.

SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in unprofessional behavior in the practice of medicine in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that

unprofessional conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

9. **CIVIL PENALTY:** Respondent shall pay a **\$5,000 civil penalty** within twenty (20) days of the date of this order. The civil penalty shall be made payable to the Treasurer of Iowa, and mailed to the Executive Director of the Board. The civil penalty shall be deposited into the State General Fund.

10. Respondent voluntarily submits this Order to the Board for consideration.

11. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

12. By entering into this Order, Respondent understands that he has a right to be represented by legal counsel, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order. This Order constitutes the resolution of a contested case proceeding.

13. In the event Respondent fails to comply with any of the terms of this Order, the Board may initiate action to suspend or revoke Respondent's license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.

14. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

15. Respondent understands that the Board is required by Federal law to report this

execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

17. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

18. The Board's approval of this Order shall constitute a **Final Order** of the Board.

Domenico Calcaterra

Domenico Calcaterra, M.D., Respondent

Subscribed and sworn to before me on 4/17, 2014.

Notary Public, State of Indiana.

This Order is approved by the Board on 4/17, 2014.



Manuel Reveles

Gregory B. Hoversten

Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DOMENICO CALCATERRA, M.D., RESPONDENT

FILE No. 02-11-077

AMENDED STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on December 20, 2013, and files this Amended Statement of Charges pursuant to Iowa Code section 17A.12(2).

1. Respondent was issued Iowa medical license no. 38062 on September 16, 2008.

2. Respondent's Iowa medical license is active and will next expire on September 1, 2014.

3. On March 13, 2013, the Board filed a Statement of Charges against Respondent alleging that he engaged in a pattern of disruptive behavior and/or unethical or unprofessional conduct in violation of the laws and rules governing the practice of medicine.

4. On October 18, 2013, the State filed a Motion to Amend Statement of Charges asking the Board to add the following subparagraphs "C" and "D" to the Statement of Matters Asserted in the pending Statement of Charges:

- C. Shortly after Respondent was hired by the University of Iowa Hospitals and Clinics, Respondent engaged in verbally aggressive and disrespectful behavior towards other physicians, fellows, residents, and nurses. Respondent received counseling and met regularly with a mentor, and his behavior improved for a period of time.
 - D. Approximately one week prior to November 8, 2010, Respondent again exhibited disruptive behavior in his workplace.
5. Respondent did not file a resistance to the State's Motion to Amend Statement of Charges.
6. On December 20, 2013, the Board voted to amend the Statement of Charges to add the subparagraphs "C" and "D" to Statement of Matters Asserted.

THEREFORE IT IS HEREBY ORDERED that the Statement of Matters Asserted in the pending Statement of Charges is **AMENDED** as follows:

4. The Board alleges that Respondent engaged in a pattern of disruptive behavior and/or unethical or unprofessional conduct in violation of the laws and rules governing the practice of medicine including, but not limited to, the following:
- A. In 2003-2004, Respondent was placed on probation during his third year of training in the general surgery residency program at the Hospital of Saint Raphael in New Haven, Connecticut, due to allegations of intermittent unprofessional behavior centered on his interactions with a member of the healthcare team. The probationary status was terminated during his fourth year, and he completed the residency program without further incident.

- B. In 2007-2008, Respondent was placed on administrative leave for two weeks during his aortic surgery fellowship training at the Baylor College of Medicine, in Houston, Texas, while an allegation that he engaged in unprofessional conduct in his interactions with another healthcare provider was investigated.
- C. Shortly after Respondent was hired by the University of Iowa Hospitals and Clinics, Respondent engaged in verbally aggressive and disrespectful behavior towards other physicians, fellows, residents, and nurses. Respondent received counseling and met regularly with a mentor, and his behavior improved for a period of time.
- D. Approximately one week prior to November 8, 2010, Respondent again exhibited disruptive behavior in his workplace.
- E. On November 8, 2010, Respondent was placed on administrative leave by the Department of Cardiothoracic Surgery, University of Iowa Hospitals and Clinics (UIHC), in Iowa City, Iowa, pending investigation of an allegation that he shoved another physician in the chest during a cardiac crisis in the operating room.
- F. On December 13-14, 2010, Respondent completed a comprehensive assessment at the Professionals Program in Elmhurst, Illinois. The Professionals Program recommended that Respondent participate in individual psychotherapy; engage in meetings with a workplace mentor to

provide ongoing feedback about Respondent's behavior; and consider individual meetings with staff members with whom he has had conflicts.

- G. In January 2011, UIHC concluded its investigation of Respondent's actions and Respondent was removed from administrative leave.
- H. On January 26, 2011, Respondent self-reported to the Iowa Physician Health Program (IPHP). Respondent failed to cooperate with the IPHP and he was referred to the Board.



Gregory B. Hoversten, D.O. Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

December 20, 2013
Date

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DOMENICO CALCATERRA, M.D., RESPONDENT

FILE No. 02-11-077

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine on March 8, 2013, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2). Respondent was issued Iowa medical license no. 38062 on September 16, 2008. Respondent's Iowa medical license is active and will next expire on September 1, 2014.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on May 16, 2013, before the Board. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Board office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Statement of Charges you are required by 653 IAC 24.2(5)(d) to file an Answer. In that Answer, you should state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the board at hearing.

4. Prehearing Conference. A prehearing conference will be held by telephone on March 27, 2013, at 9:00 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 Iowa Administrative Code 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 IAC 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 IAC 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Kent M. Nebel, J.D., the Board's Legal Director at 515-281-7088 or to Assistant Attorney General Julie Bussanmas 515-281-5637.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 148, and 272C.

9. Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148, and 272C and 653 IAC 25.

10. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 653 IAC 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. **Disruptive Behavior:** Respondent is charged pursuant to Iowa Code sections 148.6(2)(i) and 653 IAC 13.7(5) with engaging in disruptive behavior. Disruptive behavior is defined as a pattern of contentious, threatening, or intractable

behavior that interferes with, or has the potential to interfere with, patient care or the effective functioning of health care staff.

COUNT II

12. **Unethical or Unprofessional Conduct:** Respondent is charged pursuant to Iowa Code sections 148.6(2)(g) and (i) and 272C.10(3) and 653 IAC 23.1(4) with engaging in unethical or unprofessional conduct. Engaging in unethical or unprofessional conduct includes, but is not limited to, the committing by a licensee of an act contrary to honesty, justice or good morals, whether the same is committed in the course of the licensee's practice or otherwise, and whether committed within this state or elsewhere; or a violation of the standards and principles of medical ethics or 653 IAC 13.7 or 13.20 as interpreted by the board.

STATEMENT OF THE MATTERS ASSERTED

13. Respondent is an Iowa-licensed physician who formerly practiced cardiothoracic surgery in Iowa City, Iowa, and currently practices in Indianapolis, Indiana.

14. The Board alleges that Respondent engaged in a pattern of disruptive behavior and/or unethical or unprofessional conduct in violation of the laws and rules governing the practice of medicine including, but not limited to, the following:

A. In 2003-2004, Respondent was placed on probation during his third year of training in the general surgery residency program at the Hospital of Saint Raphael in New Haven, Connecticut, due to allegations of intermittent unprofessional behavior centered on his interactions with a member of the

healthcare team. The probationary status was terminated during his fourth year, and he completed the residency program without further incident.

- B. In 2007-2008, Respondent was placed on administrative leave for two weeks during his aortic surgery fellowship training at the Baylor College of Medicine, in Houston, Texas, while an allegation that he engaged in unprofessional conduct in his interactions with another healthcare provider was investigated.
- C. On November 8, 2010, Respondent was placed on administrative leave by the Department of Cardiothoracic Surgery, University of Iowa Hospitals and Clinics (UIHC), in Iowa City, Iowa, pending investigation of an allegation that he shoved another physician in the chest during a cardiac crisis in the operating room.
- D. On December 13-14, 2010, Respondent completed a comprehensive assessment at the Professionals Program in Elmhurst, Illinois. The Professionals Program recommended that Respondent participate in individual psychotherapy; engage in meetings with a workplace mentor to provide ongoing feedback about Respondent's behavior; and consider individual meetings with staff members with whom he has had conflicts.
- E. In January 2011, UIHC concluded its investigation of Respondent's actions and Respondent was removed from administrative leave.

- F. On January 26, 2011, Respondent self-reported to the Iowa Physician Health Program (IPHP). Respondent failed to cooperate with the IPHP and he was referred to the Board.

SETTLEMENT

15. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 25. If you are interested in pursuing settlement, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

F. PROBABLE CAUSE FINDING

16. On March 8, 2013, the Iowa Board of Medicine found probable cause to file this Statement of Charges.

Handwritten signature of Colleen K. Stockdale in black ink.

Colleen K. Stockdale, M.D., M.S., Chairwoman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686